

REMARKS

Claims 1-22 were pending in the application. Claims 5-7, 12, 15-18, 20 and 22 have been amended. No claims have been canceled. Claims 23-26 have been added. Support for new claims 23-26 may be found, among other places, on page 7, lines 8-16 and Figures 1 and 3. Therefore, claims 1-26 are now pending in the application. Reconsideration of the application is requested for at least the reasons that follow.

Specification

Applicants have amended the specification on page 7, line 10 and page 9, line 7. Specifically, Applicants have changed “area 40” to “area 18.”

Drawings

The drawings are objected to for failing to include a reference sign for “40.” Applicants have amended the specification to correct the reference numeral for the “area.” Specifically, any reference to “40” has been replaced with “18,” which may be found in the figures. Reconsideration and withdrawal of the objection are respectfully requested.

Claim Objections

The Office Action objects to claim 16 for an informality. Claim 16 has been amended where appropriate and, therefore, reconsideration and withdrawal of the objection is respectfully requested.

35 U.S.C. 112 Rejections

Claims 6, 7, 12, 15, 17 and 22 are rejected under 35 U.S.C. 112 for failing to have sufficient antecedent basis. Claims 6, 7, 12, 15, 17 and 22 have been amended where appropriate. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

35 U.S.C. 101 Rejection

Claim 16 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. While Applicants disagree with this contention, in the interest of expediting prosecution, claim 16 has been amended to a “computer program product” claim, whereby this claim clearly complies with 35 U.S.C. § 101.

35 U.S.C. 102 Rejection

Claims 17, 20, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,340,220 (“Gaylor”). Independent claims 17 and 22 have been amended. Reconsideration and withdrawal of the rejection are respectfully requested for at least the reasons cited below.

The rejection of independent claim 17 should be withdrawn at least because Gaylor fails to teach or suggest each and every element of the claim. For example, Gaylor fails to teach or suggest “a rotatable drum having a circumferential surface, [and] a print media carrier region being provided on said circumferential surface,” as recited in claim 17. Gaylor merely discloses a wheel 90 that serves solely as a spittoon. The wheel 90 does not include a “print media carrier region” on its circumferential surface. *See* Gaylor at Fig. 3. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 20-21 and new claim 26 depend from claim 17 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Independent claim 22 includes recitations similar to claim 17. For example, amended claim 22 states that “a print media carrier region [is] provided on said circumferential surface,” which is not taught or suggested by Gaylor. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

35 U.S.C. 103 Rejections

Claims 1-6, 9-14 and 16

Claims 1-6, 9-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,663,215 (“Klausbruckner”) in view of U.S. Patent No. 6,508,552 (“Steinfeld”). The rejection should be withdrawn, because the references, taken together or separately, fail to teach or suggest the claimed invention.

For example, none of the references teach or suggest “a heater arranged to heat ink received in said spittoon,” as recited in claim 1. Rather, the Office Action admits that Klausbruckner does not disclose “a heater arranged to heat ink.” Office Action at p. 6, line 7. Further, Steinfield does not disclose a heater “arranged to heat ink *received in said spittoon*.” To the contrary, the heater 260 of Steinfield is configured to heat ink marks on recording media, not heat ink in a spittoon. *See* Steinfield at Abstract.

Additionally, there is no motivation to combine the references as suggested by the Office Action. The Examiner admits that Klausbruckner fails to disclose “a heater arranged to heat ink.” However, the Examiner contends that Steinfield discloses a heater to heat ink and that it would have been obvious to “modify the spittoon of Klausbruckner et al. for the benefit of fixing the ink to the spittoon to prevent spilling.” Office Action at p. 6, lines 15-16. The Examiner’s contention is not supported by the teachings of Klausbruckner and Steinfield. The teaching or suggestion to make the claimed combinations and the reasonable expectation of success must both be found in the prior art, and not based on Applicants’ disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See also* MPEP § 2142. The Examiner’s motivation is not found in the prior art. The heater 260 of Steinfield is configured to heat ink marks on *recording media* in order to fix the ink marks to the recording media. The heating arrangement of Steinfield, since the arrangement is to fix ink to recording media, must occur immediately after the ink is fired onto the print media to dry the ink. Further, there is no disclosure in Steinfield regarding minimizing ink waste spills, rather Steinfield merely discloses fixing ink to paper. In contrast, only the present application identifies a problem with conventional spittoons and the ink located therein and suggests the

desirability of quickly dried ink waste product. The heater in the present application is used to permit an enhanced reduction in the volume of the waste product, to permit a higher rate of spitting from the printheads, and/or to permit a reduction in the risk of contamination of the hardcopy device. *See* Application at p. 3, lines 14—18. Thus, the rejection is clearly based on impermissible hindsight reasoning and there is no basis for the combination relied upon by the Examiner. Therefore, the rejection should be withdrawn.

Additionally, there is no motivation to combine the references because the references disclose different types of printers. Klausbruckner discloses an image forming device 10 with a print cylinder 12 and a printhead assembly 14. A print media 22 passes between the print cylinder 12 and an impression roller 16 and ink is transferred from the print cylinder 12 to the print media 22. *See* Klausbruckner at col. 3, lines 1-7 and Fig. 3. To the contrary, Steinfield discloses a printer having a printhead 160 and a transport member 240. A recording media 30 passes between the printhead 160 and transport member 240 and ink is ejected from the printhead 160 directly onto the recording media 30. *See* Steinfield at col. 6, lines 1-20 and Fig. 3. Further, in Steinfield, the ink is the desired product of the printing process, as the ink is present in a thin layer on the print media. However, the ink is the waste product of the present application. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-6, 9-10 and new claims 23-25 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

For example, claim 5 requires a “scraper being spaced from said printhead circumferentially around said drum.” Klausbruckner merely discloses a wiper 54 to clean a printhead 50. *See* Klausbruckner at Col. 5, lines 55-58. The wiper 54 of Klausbruckner is not disposed away from the printhead and “circumferentially around said drum,” but rather, the wiper 54 is directly opposite the printhead 50 so that the wiper 54 may clean the printhead 50. *See* Klausbruckner at Fig. 6. Steinfield does not cure the deficiencies of the Klausbruckner. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5.

New claim 23 requires “a scraper attached to a chassis and spaced circumferentially around said drum and away from said printhead.” The wiper 54 of Klausbruckner is positioned in a channel 60 “formed in the print cylinder 12” and not on a chassis as called for in claim 23. Thus, Applicants submit that new claim 23 is in condition for allowance.

Independent claims 12 and 14 include recitations similar to claim 1. For example, claim 12 requires “a heater for said spittoon” and claim 14 requires “firing ink from said printhead into said spittoon; and heating said ink,” and, therefore, for at least the reasons cited above, Applicants respectfully request reconsideration and withdrawal of the rejections.

Claim 13 depends from claim 12 and claim 16 depends from claim 14 and, thus, are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Claims 7, 8 and 15

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klausbruckner in view of Steinfield and Gaylor. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klausbruckner in view of Steinfield and U.S. Patent No. 6,764,160 (“Phillips”). The rejections should be withdrawn for at least the following reasons.

Claims 7 and 8 depend from claim 1 and claim 15 depends from claim 14. The references, when taken together or separately, fail to teach or suggest each and every element of the claimed invention. For example, none of the references teach or suggest “a heater arranged to heat ink received in said spittoon,” as recited in claim 1 or “firing ink from said printhead into said spittoon; and heating said ink,” as recited in claim 14. As stated above, Klausbruckner and Steinfield do not disclose a heater as recited in claims 1 and 14 and, furthermore, there is not motivation to combine these references. Phillips and Gaylor fail to cure the deficiencies of Klausbruckner and Steinfield.

Furthermore, none of the references teach or suggest a scraper “arranged to be moved in a reciprocating manner in a circumferential direction and parallel relative to the

circumferential surface of said drum,” as recited in claim 7. Thus, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 7, 8 and 15.

Claims 18 and 19

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaylor in view of Klausbruckner. The rejection should be withdrawn at least because the references do not teach or suggest each and every element of the claimed invention.

For example, the references, taken together or separately, fail to teach or suggest a “removal device [that] is movable in a circumferential direction and parallel relative to the circumferential surface of said drum,” as called for in claim 18. The Examiner acknowledges that Gaylor does not teach or suggest a “removal device [that] is movable parallel to the circumferential surface of said drum.” Office Action at p. 9, lines 4-5. Klausbruckner does not cure the deficiencies of Gaylor. Klausbruckner discloses wipers 54 that move within the channel 60. *See* Klausbruckner at Col. 5, lines 55-58 and Fig. 3. The back and forth movement of the wipers 54 within the channel 60 is not “movable in a circumferential direction.” Furthermore, there is no motivation to combine the removal device of Klausbruckner with the printer of Gaylor. Klausbruckner and Gaylor relate to different types of printers. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 18.

Claim 19 depends from claim 18 and is allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in this dependent claim.

Conclusion

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

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By



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